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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAI, ANNE VIET NGA

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,100

Applicant(s)

MARUSZCZAK, DOUGLAS D.

Examiner

Anne V. Lai

Art Unit

2636

-- **Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1 recites the limitation "the first panel" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-3, 8-9, 10-14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marrick et al** [US. 5,148,468] in view of **Lee et al** [US. 6,438,221].

Regarding claim 1, **Marrick et al** (figs. 1-4B) disclose a doorbell apparatus for mounting proximal to a door comprising:

a sensor (pressure sensor 13) for generating a signal in response to the presence of an individual at the door 11;

a first speaker 12 for announcing a first audible event in response to the sensor (col. 4, lines 4-6);

a microphone (claim 3; col. 1, lines 62-65) for receiving a response to the first audible event from the individual,

a playback means (fig. 4B) for playing the response, the playback means having a monitoring mode (replay messages);

a storage means for storing the response (fig. 1; tape recorder 20; col. 4, lines 3-7);

a second speaker 16 (fig. 1) for announcing the stored response remotely from the microphone during the monitoring mode; and

a manually controlled actuator (col. 4, lines 10-13) for selectively announcing a second audible event at the first panel (alert through speakers secured to the outside of the resident; figs. 2-3), in response to the announcing of the stored response (voice message from the visitor; col. 4, line 7).

Marrick et al do not disclose specifically the controlled playback. **Lee et al** teach a doorbell system comprising a controlled playback mode (figs 2-3; play, append, messages switch, erase). It would have been obvious to one having ordinary skill in the art at the time of the invention was made the implement of a controlled playback mode in a recording and playback device is an added feature for the convenient of the user replaying at will a message among a plurality of messages and deleting unwanted messages.

Regarding claim 2, **Marrick et al** disclose the second audible event is a warning alarm (col. 4, lines 10-13).

Regarding claim 3, **Marrick et al** disclose the storage means stores multiple responses to the first audible event (fig. 4B, replay plural messages; col. 1, line 9, receiving plural messages).

Regarding claim 8, **Marrick et al** disclose the doorbell apparatus further comprising:

a first panel (53, fig. 4A) including the (pressure) sensor 52, the first speaker 50, and the microphone (claim 3); and

a second panel (61, fig. 4B) including the playback means 64, the storage means (20, fig. 1), the second speaker 16 (fig. 1), and the manually controlled actuator (col. 4, lines 10-13).

Regarding claim 9, **Marrick et al** do not disclose a light is associated with the first panel; **Lee et al** teach a doorbell panel comprising a light being activated in response to the signal from the sensor to signal the visitor to leave a voice message (col. 4, lines 17-22). It would have been obvious to one having ordinary skill in the art at the time of the invention was made the use of a light at the door provides for the visitor at nighttime the security and the visibility to operate the message recording at the door.

Regarding claims 10-11, **Marrick et al** disclose the first and the second panels are coupled together by wire (fig. 2, cable 31) or wireless link (fig. 3; col. 3, lines 44-57).

Regarding claims 12-14, **Marrick et al** disclose the first and the second panels are energized by the same power source selected from internal or external power source (battery or 110 VAC; col. 4, lines 15-18).

Regarding claim 16, **Marrick et al** disclose the second panel further comprises a microphone for recording the first audible event to be announced by the speaker (claim 6(d-e)).

Regarding claim 18, **Lee et al** teach a memo record means (fig. 4; abstract) in connection to a doorbell system to leave a message to a member of the household. It would have been obvious to one having ordinary skill in the art at the time of the invention was made the use of a combination memo and doorbell message recording provide the user a convenient of having both systems integrated in one for the saving of wiring and place.

5. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Marrick et al** and **Lee et al** in view of **Kumar** [US. 5,696,496].

Regarding claim 4, **Lee et al** disclose the playback means comprises a playback button and an erase button; **Kumar** (col. 7, lines 53-60) teach a messaging apparatus comprising a playback means controlled by a playback button, a forward button, and an erase button.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made the adding of a forward button provide an added feature for the user convenient in controlling the recording and playback of the message.

6. Claims 5-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marrick et al** and **Lee et al** in view of **Carretero Guerrero** [US. 2002/0118283].

Regarding claim 5, **Marrick et al** and **Lee et al** do not disclose the playback unit includes an indicator indicating the number of responses recorded; **Carretero Guerrero** shows a doorbell messaging system wherein the playback (reproducing apparatus, [0227]) includes an indicator indicating the number of responses recorded. It would have been obvious to one having ordinary skill in the art at the time of the invention was made indicating the number of responses recorded provides an added feature for the convenient of the user knowing the total number of recorded messages and what message has been playback out of the total number.

Regarding claim 6-7, **Carretero Guerrero** doorbell messaging system stores an identifier (date and time) for each of the multiple responses and the identifier is an audible time identifier [0247]-[0249].

Regarding claim 15, **Marrick et al** disclose a third speaker for announcing the second audible event, the third speaker having a coverage area large enough to announce the second audible event over an area of interest (col. 4, lines 8-14). **Marrick et al** do not disclose the third speaker is specifically located on the first panel. **Carretero Guerrero** doorbell system (fig. 2) comprising a first speaker 13 and an indicator 15 located on the first panel (street plate, [0142]), the indicator 15 is used for alerting the person calling in the case of certain event; **Carretero Guerrero** also states an indicator [0199] can be a sound indicator (speaker is inherent); and the doorbell system of **Carretero Guerrero** can also simulate alarm functions ([0022], [0103]). It would have been obvious to one having ordinary skill in the art at the time of the invention was made, the implement of an alarm speaker in combination of a messaging

speaker on a street (first) panel is for the convenient of the user having both selective functions integrated in one panel for saving place and avoiding excessive wiring.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Marrick et al** and **Lee et al** in view of **Gilbert** {US. 5,365,568}.

Regarding claim 17, **Marrick et al** do not disclose the manually-controlled actuator comprises two buttons that are simultaneously depressed for actuation; **Gilbert** (col. 3, lines 33-38; col. 1, lines 58-61) suggests an emergency system wherein the actuation of an alarm is being performed by simultaneously depress two push-buttons to manually sound an alarm and generate an emergency call. It would have been obvious to one having ordinary skill in the art at the time of the invention was made the simultaneous depressing of two push-buttons instead of one for the purpose of precaution not triggering the alarm and emergency call by error.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mozer discloses an interactive door answering and messaging device with speech synthesis. [US. 6,657,380]

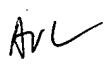
Housley discloses a programmable doorbell control. [US. 5,774,039]

Franz discloses a door answering systems and methods. [US. 2004/0229569]

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A. V. Lai
January 3, 2005


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